



OFFICE OF
THE SECRETARY

Federal Communications Commission
Washington

April 7, 1997

Honorable Daniel Coats
United States Senator
1180 Market Tower
10 West Market Street
Indianapolis, Indiana 46204-2964

Attn: Libby Sims
Special Assistant

Re: MM Docket No. 94-10
File Nos. BR-890929VC
BRH-890929VB

Dear Senator Coats:

Thank you for your letter dated February 10, 1997, accompanied by a letter from your constituent, Ms. Caprice Nail, concerning the application of The Lutheran Church/Missouri Synod for renewal of licenses of Stations KFUD/KFUD00M, Clayton, Missouri.

Your letter was forwarded to the Office of the Managing Director for reply in keeping with the Commission's ex parte rules, which deal with communications relative to all "restricted" proceedings under consideration by the Commission. The Managing Director asked me to respond on his behalf.

The ex parte rules require service on all parties of filings addressing the merits or outcome of restricted proceedings. Because a petition to deny these applications was filed by the NAACP and the proceeding is pending on appeal before the Court of Appeals, it is considered "restricted" and will remain so until such time as a decision is no longer subject to reconsideration or review by the Commission or the courts. See 47 CFR Section 1.1208.

In accordance with FCC Rules as found in 47 CFR Section 1.1212(e), I have, by copies of this letter, provided notice and disclosure of your communication to all parties to this proceeding.

Additionally, this letter and your communication have been placed in a public file associated with (but not made a part of) the record in the proceeding. See 47 CFR Section 1.1212(d).

You may be assured that the Commission has closely examined all evidence in the record in order to determine which course of action will best serve the public interest, convenience and necessity.

Sincerely,

William F. Caton
William F. Caton
Acting Secretary

cc: David Honig, Esq.
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February 10, 1997

MMB
MM
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Ms. O. Lou Sizemore
Congressional Liaison
Federal Communications Commission
1919 "M" Street, NW
Washington, D.C. 20554


Dear Ms. Sizemore:

Senators Lugar and Coats have received the enclosed correspondence from Caprice Nail regarding a request for assistance. Due to the nature of the inquiry, we are forwarding it to you for your consideration.

After you have had the opportunity to review the enclosed information, we would appreciate receiving a written response.

You may forward your response to me at 1180 Market Tower, 10 West Market Street, Indianapolis, Indiana 46204-2964, or you may call me at (317) 226-5555 if you have any further questions. Thank you for your attention to this matter.

Sincerely,



Libby Sims
Special Assistant

Sen. Coats,

97 FEB 10 PM 12:00

IF I may get your attention there is a problem with the views of the FCC. They have ruled that it is improper for KFWO-AM/FM radio stations to hire on the basis of knowledge of the Lutheran doctrine. Thus saying that the government should determine which positions are of a religious nature rather than the Church. In 1990 NAACP filed petitions to deny the Radio Stations' license renewals on the basis of minority recruitment. In a legal battle it was determined that KFWO was not guilty of discrimination. Our Faith teaches that those not knowing of the Faith can be deceiving in the religion.

The KFWO stations is owned by the Lutheran Missouri Synod which is also a part of my Church. I'm a member of, St. Paul's Lutheran Church. I pray that for the sake of our faith being ~~told~~ told to radio listeners by those who truly know the religion and not amateurs or sinful deceivers, you allow our Amendment given right to choose who is hired for those positions and the attacks from FCC be stopped. They aren't try to be prejudice or discriminate against people by age, sex, social status, race, or such; They are just safely and wisely choosing those who are experienced Lutherans for a Lutheran Station and a Lutheran public of listeners. I hope you will want to help relieve KFWO of this problem.

cordially, rance